REMARKS

The Applicant wishes to thank the Examiner for thoroughly reviewing and considering the pending application. The Office Action dated August 5, 2004 has been received and carefully reviewed. Claims 1-5 have been amended. Claims 6-8 have been added. Claims 1-8 are currently pending. Reexamination and reconsideration are respectfully requested.

The Office Action objected to claim 4 for the informalities noted therein. The Applicant corrected claim 4 as illustrated above and requests that the objection be withdrawn.

In addition, the Office Action rejected claim 1 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,385,452 to *Deschaaf et al.* (hereinafter "*Deschaaf*"). The Applicant respectfully traverses this rejection.

As required in Chapter 2131 of the M.P.E.P., in order to anticipate a claim under 35 U.S.C. §102, "the reference must teach every element of the claim." The Applicant respectfully submits that *Deschaaf* does not teach every element recited in claim 1. To further illustrate, claim 1 recites a laundry dryer comprising, among other features, "a pulse detector for determining a contact count based on the water content signal and outputting a pulse count generated from a contact count of the laundry coming into contact with said moisture sensor wherein the pulse count is indicative of the contact count; and a microcomputer for controlling a drying cycle based on the pulse count and the voltage signal." *Deschaaf* does not disclose these features. At most, *Deschaaf* discloses a millisecond counter 54 which is reset by a microcomputer based on a voltage level of a valid wet signal. Thus, a drying cycle in *Deschaaf* is based on a voltage level and not a pulse count. In fact, *Deschaaf* does not employ a pulse detector that outputs a pulse based on moisture content. Accordingly, *Deschaaf* cannot possibly teach a microcomputer that controls a drying cycle using a pulse counter. See col. 3, lines 10-15.

As such, the Applicant respectfully submits that *Deschaaf* fails to disclose each and every element recited in claim 1 and requests that the rejection be withdrawn.

In addition, the Office Action rejected claims 1-3 and 5 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,466,037 to *Meerpohl et al.* (hereinafter "*Meerpohl*"). The rejection is traversed. *Meerpohl* does not disclose each and every element recited in claim 1. In particular, *Meerpohl* does not disclose a laundry dryer comprising a moisture sensor, a means for generating a voltage signal based on a water content signal and converting the amplitude of the water content value output from the moisture sensor to a voltage and outputting a corresponding voltage signal, or a microcomputer which controls a drying cycle based on the pulse count and the voltage signal. At best, *Meerpohl* discloses a microcontroller 4 that determines the frequency of a signal 31. See col. 4, lines 34-36. However, according to *Meerpohl*, the number of pulses is a measure of load and not moisture contact. In fact, *Meerpohl* does not disclose a moisture sensor or any means for converting a water content value from a moisture sensor. Accordingly, *Meerpohl* cannot possibly teach a microcomputer which controls drying based on a converting means. Therefore, *Meerpohl* does not disclose each and every element recited in claim 1 as required under 35 U.S.C. § 102(e) and the Applicant requests that the rejection be withdrawn. Likewise, claims 2, 3, and 5, which depend from claim 1, are also patentable for at least these same reasons.

Furthermore, the Office Action rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over *Meerpohl* in view of *Deschaaf*. The Applicant traverses the rejection.

As required in Chapter 2143.03 of the M.P.E.P., in order to "establish *prima facie* obviousness of the claimed invention, all the limitations must be taught or suggested by the prior art." As discussed above with reference to claim 1, from which claim 4 depends, neither

Meerpohl nor *Deschaaf*, either singularly or in combination, disclose "a microcomputer for controlling a dry pattern" as recited.

Moreover, there is no motivation to combine the references. In order to establish a prima facie case of obviousness, there must at least be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. See MPEP § 2142. Furthermore, the teaching or suggestion which results in the claimed combination must be found in the references themselves and not be based on the disclosure of the Applicant's using improper hindsight. The references must expressly or impliedly suggest the claimed invention or the Office Action must have a convincing line of reasoning as to why one of ordinary skill in the art would have found the claimed invention obvious in light of the references in order to support the conclusion that the claimed invention is directed to obvious subject matter.

When the motivation to combine the references is not immediately apparent, the Office Action must explain why the combination of the teachings is proper. The fact that references may be combined does not render the resultant combination obvious unless the prior art suggests the desirability of the combination. See M.P.E.P. § 2143.01. Therefore, the fact that the references may indicate all aspects of the claimed invention were individually known in the art is not sufficient to establish a prima facie case of obviousness without some objective reason to combine the teachings of the reference.

In view of the above, and for the additional reasons set forth below, the Applicant respectfully submits that a prima facie case of obviousness has not been established with regard to the presently claimed invention.

Meerpohl discloses that the determination of a load in a tumble dryer plays a major part in the drying process. According to *Meerpohl*, it is advantageous to determine the load in

order to control a drying process in an optimum fashion. See col. 1, lines 14-19. Thus, *Meerpohl* discloses that a drying operation is controlled using load information. See col. 4, lines 34-45. However, *Meerpohl* does not disclose or even suggest the desirability of incorporating a moisture sensor as taught in *Deschaaf* to control a drying operation. In fact, *Meerpohl* teaches the exact opposite. More particularly, *Meerpohl* teaches that the determination of moisture content is undesirable in that very dry clothes having low conductivity give rise to the situation where it may not be possible to register contact of the laundry, thus inhibiting load determination. See col. 1, lines 57-63.

Deschaaf relates to sensing a moisture content of a clothes load and controlling the operation of a dryer. See col. 1, lines 7-10. However, *Deschaaf* does not disclose or suggest the desirability of counting pulses as disclosed in *Meerpohl*. Neither of the references provide the motivation to combine determining a load in a dryer as disclosed in *Meerpohl* with sensing a moisture content of clothes as taught in *Deschaaf*. At most, as discussed above, *Meerpohl* teaches the undesirability of using a moisture sensor to achieve the objectives taught therein. Therefore, the prior art references in combination do not suggest the claimed invention as a whole. Absent any objective motivation to combine the references, the Applicant respectfully submits that the Office Action merely pieces together isolated disclosures of the cited references using the present invention as a template with impermissible hindsight.

Neither *Meerpohl* nor *Deschaaf*, either singularly or in combination, disclose all the elements of claim 4, as required under 35 U.S.C. § 103(a). In addition, even if the cited references disclosed all the elements of claim 4, the Office Action has not explained why the combination of *Meerpohl* with *Deschaaf* is proper. Accordingly, the Applicant respectfully submits that claim 4 is patentable over *Meerpohl* in view of *Deschaaf* under 35 U.S.C. §103(a) and requests that the rejection be withdrawn.

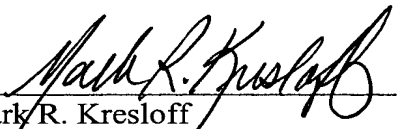
The Applicant believes that the foregoing amendments place the application in condition for allowance and early, favorable action is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated: November 5, 2004

Respectfully submitted,

By 

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